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BEFORE THE ARIZONA CORPORATION COMMISSION

2008 FEB -6 P 4: 24

COMMISSIONERS

Arizona Corporation Commission

AZ CORP COMMISSION
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FEB -6 2008

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

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INC

IN THE MATTER OF THE APPLICATION OF
SEMPRA ENERGY SOLUTIONS LLC FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR COMPETITIVE RETAIL
ELECTRIC SERVICE.

Docket No. E-03964A-06-0168

**AIC'S JOINDER IN THE NEW
WEST ENERGY CORPORATION
MOTION TO DISMISS**

The Arizona Investment Council ("AIC") files this joinder in the New West Energy Corporation ("New West") Motion to Dismiss Without Prejudice the CC&N Application of Sempra Energy Solutions.

With the filing of the revised Staff position on the Application last month, it has become even more obvious that Sempra's CC&N Application is simply premature. As Staff witness Geoffrey Crandall points out, grant of the Application—prior to resolution of a series of issues ranging from exit and return to service access fees through adverse impacts on resource planning to potential discriminatory pricing—would not be in the public interest. And, as New West's Motion accurately recounts, the Commission itself has, on numerous occasions, indicated that additional deliberation and action is required to regulate the transition to competition prior to granting CC&Ns.

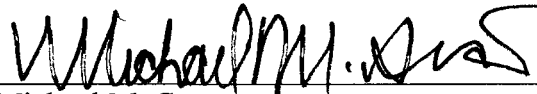
The Motion to Dismiss affords the Administrative Law Judge and the Commission the opportunity to conclude this proceeding before the parties, the Staff, the Hearing Division and the Commissioners expend an enormous amount of resources only to reach the obvious

1 conclusion that much remains to be done before a CC&N is granted to anyone. AIC urges the
2 Commission to grant the Motion to Dismiss without Prejudice.

3 In order to allow the parties, the Administrative Law Judge and the Commission
4 sufficient time to brief and evaluate the motion, the AIC suggests that February 19, which
5 currently is scheduled for a hearing day, instead be devoted to oral argument on the Motion.
6 Depending upon the outcome, the hearing could commence, if necessary, on March 3.

7 RESPECTFULLY SUBMITTED this 6th day of February, 2008.

8 GALLAGHER & KENNEDY, P.A.

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13 **Original and 13 copies** filed this
14 6th day of February, 2008, with:


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17 **Copies** of the foregoing delivered
18 this 6th day of February, 2008, to:

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